

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA

v.

KYRAN HAWTHORNE

CAUSE NO.: 2:20-CR-24-TLS-JEM

OPINION AND ORDER

On March 15, 2021, the Court held the Defendant's sentencing hearing. ECF No. 39. The Defendant's guidelines range is 30 to 37 months imprisonment. At the sentencing, the Government requested a sentence of 37 months imprisonment, which is at the high end of the applicable guidelines range, and the Defendant requested a below-guidelines sentence of 13 to 24 months imprisonment. At the March 15, 2021 sentencing, the Court imposed a within-guidelines sentence of 34 months imprisonment to be followed by three years of supervised release. However, the Court misspoke by indicating that a variance was being granted.

Federal Rule of Criminal Procedure 35(a) provides that, "[w]ithin 14 days after sentencing, the court may correct a sentence that resulted from . . . clear error." Fed. R. Crim. P. 35(a). As used in Rule 35(a), "'sentencing' means the oral announcement of the sentence." Fed. R. Crim. P. 35(c). Accordingly, to correct the clear error made by the reference to a variance in the explanation of the sentence at the March 15, 2021 sentencing hearing, the Court, on its own motion, held a supplemental sentencing hearing on March 24, 2021. At the supplemental sentencing hearing, the Court corrected the explanation of the sentence to reflect that the sentence of 34 months imprisonment is within the guidelines range but is lower than the high-end sentence of 37 months imprisonment requested by the Government. The Court will separately enter judgment.

SO ORDERED on March 24, 2021.

s/ Theresa L. Springmann

JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT